

Item No. 176**AGENDA ITEM MEMORADUM****Development Services**

Department

Linda Connors *LC*

Town Planner

BB

COMMISSION MEETING DATE (*) - 7:00 PM	Deadline to Town Clerk
<input checked="" type="checkbox"/> March 13, 2012	March 2 nd

*Subject to Change

- | | | | |
|---------------------------------------|--|---------------------------------------|---|
| <input type="checkbox"/> Presentation | <input checked="" type="checkbox"/> Reports | <input type="checkbox"/> Consent | <input type="checkbox"/> Ordinance |
| <input type="checkbox"/> Resolution | <input type="checkbox"/> Quasi-Judicial | <input type="checkbox"/> Old Business | <input checked="" type="checkbox"/> New Business |

☐ FY2011 DESIGNATED HIGH PRIORITY ITEM - PRIORITY TOPIC**SUBJECT TITLE: Proposed Amendments to Chapter 3. Alcoholic Beverages.**

EXPLANATION: Section 3.3 of the Town's current code requires a 500' separation between churches and schools and establishments that serve alcohol. It states:

Sec. 3-3. - Distance from church or public school.

No license shall be issued to any location within 500 feet, by airline measurement, from any established church or school, measured from main entrance to main entrance, except that in case of a school to the nearest point of the school grounds used as part of the school facilities. Whenever a license has been lawfully procured and thereafter a church or school be is established within a distance otherwise prohibited by law, the establishment of such church or school shall not be cause for the revocation of the license or prevent the subsequent renewal of same.

The only zoning districts within the Town that allow a business to sell or serve alcohol are the B1A and B1 zoning districts, while churches are permitted in RM-25, B1-A and B1 zoning districts (**Exhibit 1**).

There are currently three (3) churches located within the Town, Community Church (4433 Bougainvilla Drive), Family Christian Center (249 Commercial Blvd.) and Assumption Catholic Church (2001 Ocean Drive). As shown on **Exhibit 2**, two of these churches are located in areas that will affect the redevelopment of the Town's business district should a new restaurant want to locate within certain sections of the Town's commercial districts.

The establishment of one church in a central location could significantly affect future redevelopment opportunities. For example, if a church opened within the Oceanfront Center, all new restaurants serving alcohol would be precluded from opening due to the current separation requirement.



We wanted to bring this issue to the Commission for policy direction. If the Commission agrees, Section 3.3. of the Town's code could be amended as follows to remove the separation requirements between businesses that have an alcohol license and churches as well as to clarify that the public school reference is a Broward County public school.

Sec. 3-3. - Distance from ~~church or~~ Broward County public schools.

No license shall be issued to any location within 500 feet, by airline measurement, from any ~~established church or operating Broward County public school, measured from main entrance to main entrance, except that in case of a school~~ to the nearest point of the school grounds used as part of the school facilities. Whenever a license has been lawfully procured and thereafter a ~~church or Broward County public school~~ be is established within a distance otherwise prohibited by law, the establishment of such ~~church or school~~ shall not be cause for the revocation of the license or prevent the subsequent renewal of same.

Should the Commission direct staff to move forward with an ordinance, a Notice of Intent (NOI) would not be required as NOI's are only required for amendments to Chapter 30 of the Town's code of ordinances.

RECOMMENDATION: Staff is requesting direction from the Commission as to whether or not the Commission would like to consider an ordinance addressing this matter.

EXHIBIT 1: Zoning Map

EXHIBIT 2: Distance Map

Reviewed by Town Attorney

☒ Yes ☐ No

Town Manager Initials

CS

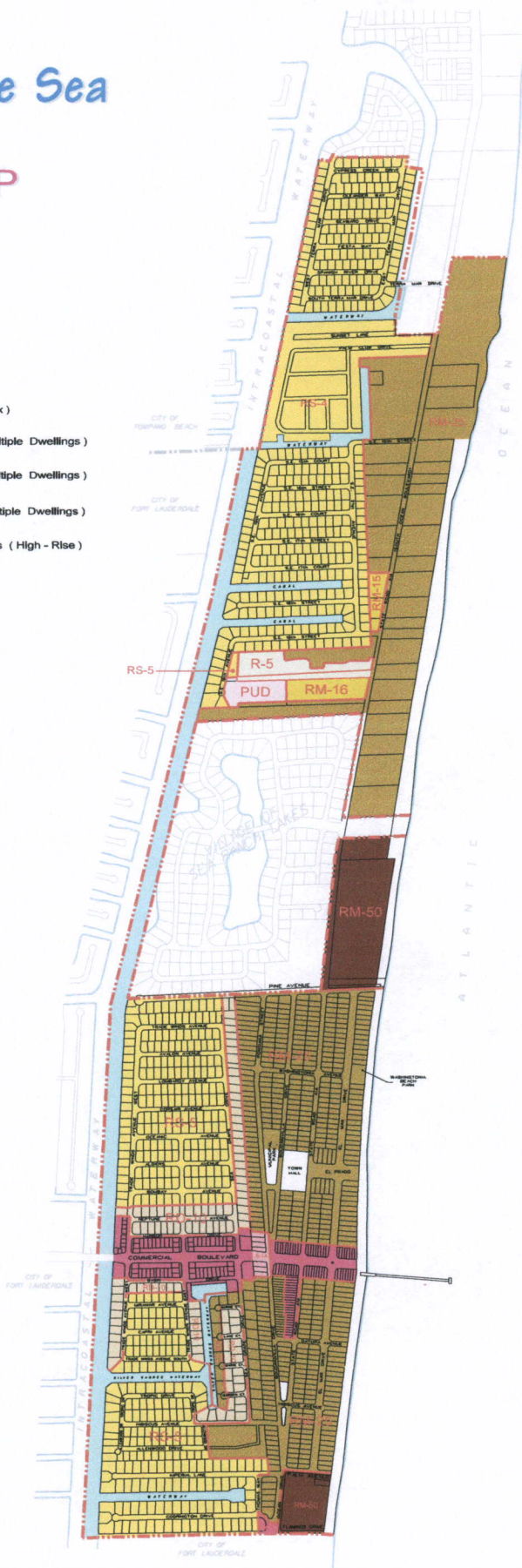
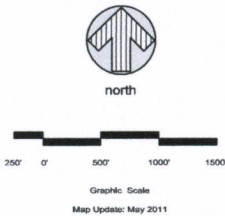
Town of Lauderdale By The Sea

ZONING MAP

LEGEND

- Town Boundary
Zoning District Line
- Town Zoning Districts
- RS - 4 Residence, Single - Family Dwelling (4 Dwelling Units / Net Acre)
 - RS - 5 Residence, Single - Family Dwelling (5 Dwelling Units / Net Acre)
 - RD - 10 Residence, Two - Family Dwelling (Duplex) (10 Dwelling Units / Net Acre)
 - KM - 15 Residence, Apartments, Hotels, etc. (Multiple Dwellings) (15 Dwelling Units / Net Acre)
 - KM - 16 Residence, Apartments, Hotels, etc. (Multiple Dwellings) (16 Dwelling Units / Net Acre)
 - RM - 25 Residence, Apartments, Hotels, etc. (Multiple Dwellings) (25 Dwelling Units / Net Acre)
 - RM - 50 Hotel, Motel, Apartment Hotel, Apartments (High - Rise) (50 Dwelling Units / Net Acre)
 - R - 5 Motel District
 - PUD Planned Unit Development District
 - B - 1A Business, Retail Business
 - B - 1 Business, Retail Business
 - WATER Unzoned Area

No.	Revisions	Date
1.	SILVER SHORES BLVD. LOT 25 FROM RS-5 TO RD-10	1995
2.	UNIFIED LAND DEVELOPMENT CODE	2007
3.	REPEALED OVERLAY DISTRICTS	2008





Google earth

